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FORM	1		First	Named Inventor	Eric McKinlay	HECEIVE
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		ENCLO	SURES	(check all that apply)		
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Fee Attached		☐ Drawin	g(s)		Appeal Commur Appeals and Inte	
Amendment / Response		Licensing-related Papers		ed Papers	Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)	
After Final		☐ Petition	1		☐ Proprietary Infor	mation
Affidavits/declaration(s)		Petition to Convert to a Provisional Application			☐ Status Letter	
Extension of Time Request		Power of Attorney, Revocation Change of Correspondence Address			Other Enclosure (please identify bel	
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Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53					Ille AN	E PARA
*	SIGNAT	URE OF A	PPLIC	ANT, ATTORNEY, O	R AGENT	~ (U)4 /
or I	Patrick D. Benedicto, Reg No. 40,909 OKAMOTO & BENEDICTO LLP					
Signature Pai	in B	edo				****
	er 17, 2003					
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Alexandria, VA 22313-1430 on the date shown below.							
Typed or printed name	Patrick D. Benedicto	-	··.				
Signature	Pair in Bas do CV	Date	September 17, 2003				

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RECEIVED

Eric McKinlay, et al.

SEP 2 4 2003

Serial No. 10/056,956

Examiner: not yet known Technology Center 2100

Filed: January 25, 2002

Art Unit: 2152

Title: System, Method and Computer Program Product for Initiating a Software

Atty. Dkt. No.: 10005.001500

Download

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

Under 37 C.F.R. §1.56 and §§1.97-98

Sir:

Pursuant to the provisions of 37 CFR 1.56 and §§1.97-98, enclosed herewith is form PTO/SB/08 (substitute for form 1449A/PTO) listing references which may be material to the examination of this application, and with respect to which there may be a duty to disclose. The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

A copy of each listed reference is enclosed herewith, unless no such copy is required pursuant to 37 CFR § 1.98(d).

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior
application Serial No. [SERIAL NUMBER], filed on [FILING DATE], and the
references cited therein are hereby listed but are not required to be provided in
this application under 37 CFR § 1.98(d).

Pursuant to 37 CFR §1.97, this Information Disclosure Statement is being submitted under the section indicated below.

 $\boldsymbol{v}$ 

$\boxtimes$	37 CFR §1.97(b).
	37 CFR §1.97(c). If so, then either:  Applicant certifies pursuant to 37 CFR § 1.97(e) that either:  each item of information contained in this Information  Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR  no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56 (c) more than three months prior to the filing of this Statement.
	OR Applicant submits the petition fee of \$180 as set forth in 37 CFR § 1.17(p).
	37 CFR § 1.97(d). If so, then both:  □ Applicant certifies pursuant to 37 CFR § 1.97(e) that either:  □ each item of information contained in this Information  Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more that three months prior to the filing of this Statement; OR  □ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement.
	AND  Applicant submits the petition fee of \$180 as set forth in 37 CFR 8
	☐ Applicant submits the petition fee of \$180 as set forth in 37 CFR § 1.17(p).

Consideration of the listed references and favorable action are respectfully solicited.

Respectfully submitted, Eric McKinlay, et al.

Dated: September 17, 2003

By: Pain in Bea or

Patrick D. Benedicto Attorney For Applicant(s) Reg. No. 40,909 OKAMOTO & BENEDICTO LLP P.O. Box 641330 San Jose, CA. 95164-1330

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Typed or Printed Name: Patrick D. Benedicto Dated: September 17, 20			
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Sheet

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

	Complete if Known
Application Number	10/056,956
Filing Date	January 25, 2002
First Named Inventor	Eric McKinlay
Art Unit	2152
Examiner Name	not yet known
Attorney Docket Number	10005.001500

		1 0	U.S. PATENT	Name of Patentee or Applicant of	
Examiner Initials *	Cite No.1	Document Number  Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	US- 5,446,919	Aug. 29, 1995	Wilkins	
	A2	US- 5,794,259	Aug. 11, 1998	. Kikinis	
	A3	US- 6,026,368	Feb. 15, 2000	Brown, et al.	RECEIVE
	A4	US- 6,601,041	July 29, 2003	Brown, et al.	
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Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document  Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T⁵
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Examiner Signature	Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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